SPEECH

OF

ON. S. A. DOUGLAS, OF ILLINOIS,

IN THE SENATE, JANUARY 30, 1854,

ON THE

NEBRASKA TERRITORY.

WASHINGTON:
PRINTED AT THE SENTINEL OFFICE.
1854

SPEECH

OF

HON. S. A. DOUGLAS, OF ILLINOIS.

The Senate, as in Committee of the Whole, proceeded to the consideration of the bill to organize the Territory of Nebraska.

Mr. DOUGLAS. Mr. President, when I proposed, on Tuesday last, that the Senate should proceed to the consideration of the bill to organize the Territories of Nebraska and Kansas, it was my purpose only to occupy ten or fifteen minutes in explanation of its provisions. I desired to refer to two points; first to those provisions relating to the Indians, and second to those which might be supposed to bear upon the question of slavery.

The Committee, in drafting the bill, had in view the great anxiety which had been expressed by some members of the Senate to protect the rights of the Indians, and to prevent infringement upon them. By the provisions of the bill, I think we have so clearly succeeded, in that respect, as to obviate all possible objection upon that score. The bill itself provides that it shall not operate upon any of the rights or lands of the Indians, nor shall they be included within the limits of those territories, until they shall by treaty with the United States expressly consent to come under the operations of the act, and be incorporated within the limits of the territories. This provision certainly is broad enough, clear enough, explicit enough, to protect all the rights of the Indians as to their persons and their property.

Upon the other point, that pertaining to the question of slavery in the territories, it was the intention of the committee to be equally explicit. We took the principles established by the compromise acts of 1850 as our guide, and intended to make each and every provision of the bill accord with those principles. Those measures established and rest upon the great principles of self-government, that the people should be allowed to decide the questions of their domestic institutions for themselves, subject only to such limitations and restrictions as be imposed by the Constitution of the United States, instead of having them determined by an arbitrary or geographical line.

The original bill, reported by the committee as a substitute for the bill introduced by the senator from Iowa, [Mr. DODGE,] was believed to have accomplished this object. The amendment which was subsequently reported by us was only designed to render that clear and specific, which seemed, in the minds of some, to admit of doubt and misconstruction. In some parts of the country the original substitute was deemed and construed to be an annulment or a repeal of what has been known as the Missouri compromise, while in other parts it was otherwise construed. As the object of the committee was to conform to the principles established by the compromise measures of 1850, and to carry those principles into effect in the territories, we thought it was better to recite in the bill precisely what we understood to have been accomplished by those measures, viz that the Missouri compromise, having been superseded by the legislation of 1850, has become and ought to be declared inoperative; and hence we propose to leave the question to the people of the States and the territories, subject only to the limitations and provisions of the Constitution.

Sir, this is all that I intended to say, if the question had been taken up for consideration on Tuesday last; but since that time occurrences have transpired which compel me to go more fully into the discussion. It will be borne in mind that the senator from Ohio [Mr. CHASE] then objected to the consideration of the bill, and asked for its postponement until this day, on the ground that there had not been time to understand and consider its provisions; and the senator from Massachusetts [Mr. SUMNER] suggested that the postponement should be for one week for that purpose. These suggestions seeming to be reasonable, in the opinions of senators around me, I yielded to their request, and consented to the postponement of the bill until this day.

Sir, little did I suppose, at the time that I granted that act of courtesy to those two senators, that they had drafted and published to the world a document, over their own signatures, in which they

arraigned me as having been guilty of a criminal betrayal of my trust, as having been guilty of an act of bad faith and been engaged in an atrocious plot against the cause of free government. Little did I suppose that those two senators had been guilty of such conduct, when they called upon me to grant that courtesy, to give them an opportunity of investigating the substitute reported, the committee. I have since discovered that on that very morning the *National Era*, the abolition organ in this city, contained an address, signed by certain abolition confederates, to the people, in which the bill is grossly misrepresented, in which the action of the committee is grossly perverted, in which our motives are arraigned and our characters calumniated. And, sir, what is more, I find that there was a postscript added to the address, published that very morning, in which the principal amendment reported by the committee was set out, and then coarse epithets applied to me by name. Sir, had I known those facts at the time I granted that act of indulgence, I should have responded to the request of those senators in such terms as their conduct deserved, so far as the rules of the Senate and a respect for my own character would have permitted me to do. In order to show the character of this document, of which I shall have much to say in the course of my argument, I will read certain passages:

"We arraign this bill as a gross violation of a sacred pledge; as a criminal betrayal of precious rights; as part and parcel of an atrocious plot to exclude from a vast unoccupied region emigrants from the Old World, and free laborers from our own States, and convert it into a dreary region of despotism, inhabited by masters and slaves."

A SENATOR: By whom is the address signed?

Mr. DOUGLAS: It is signed "S. P. Chase, senator from Ohio, Charles Sumner, senator from Massachusetts, J. R. Giddings and Edward Wade, representatives from Ohio, Gerrit Smith, representative from New York, Alexander De Witt, representative from Massachusetts;" including, as I understand, all the abolition party in Congress.

Then, speaking of the Committee on Territories, these confederates use this language:

"The *pretences*, therefore, that the territory, covered by the positive prohibition of 1820, sustains a similar relation to slavery with that acquired from Mexico, covered by no prohibition except that of disputed constitutional or Mexican law, and that the compromises of 1850 require the incorporation of the pro-slavery clauses of the Utah and New Mexico bill in the Nebraska act, are mere *inventions, designed to cover up from public reprehension meditated bad faith.*"

"Mere inventions to cover up bad faith."

Again:

"Servile demagogues may tell you that the Union can be maintained only by submitting to the demands of slavery."

Then there is a postscript added, equally offensive to myself, in which I am mentioned by name. The address goes on to make an appeal to the legislatures of the different States, to public meetings, and to ministers of the Gospel in their pulpits, to interpose and arrest the vile proceeding which is about to be consummated by the senators who are thus denounced. That address, sir, bears date Sunday, January 22, 1854. Thus it appears that, on the holy Sabbath, while other senators were engaged in divine worship, these abolition confederates were assembled in secret conclave, plotting by what means they should deceive the people of the United States, and prostrate the character of brother senators. This was done on the Sabbath day, and by a set of politicians, to advance their own political and ambitious purposes, in the name of our holy religion.

But this is not all. It was understood from the newspapers that resolutions were pending before the legislature of Ohio proposing to express their opinions upon this subject. It was necessary for these confederates to get up some exposition of the question by which they might facilitate the passage of the resolutions through that legislature. Hence you find that, on the same morning that this document appears over the names of these confederates in the abolition organ of this city, the same document appears in the New York papers —certainly in the *Tribune*, *Times*, and *Evening Post*—in which it is stated, by authority, that it is "signed by the senators and a majority of the representatives from the State of Ohio"— a statement which I have every reason to believe was utterly false, and known to be so at the time that these confederates appended it to the address. It was necessary, in order to carry out this work of deception, and to hasten the action of the Ohio legislature, under a misapprehension of the real facts, to state that it was signed, not only by the abolition confederates, but by the whole whig representation, and a portion of the democratic representation in the other House from the State of Ohio.

Mr. CHASE. Mr. President——

Mr. DOUGLAS. Mr. President, I do not yield the floor. A senator who has violated all the rules of courtesy and propriety, who showed a consciousness of the character of the act he was doing by concealing from me all knowledge of the fact—who came to me with a smiling face, and the appearance of friendship, even after that document had been uttered—who could get up in the Senate and appeal to my courtesy in order to get time to give the document a wider circulation before its infamy could be exposed; such a senator has no right to my courtesy upon this floor

Mr. CHASE. Mr. President, the senator misstates the facts——

Mr. DOUGLAS. Mr. President, I decline to yield the floor.

Mr. CHASE. And I shall make my denial pertinent when the time comes.

The PRESIDENT. Order.

Mr. DOUGLAS. Sir, if the senator does interpose, in violation of the rules of the Senate, a denial of the fact, it may be that I shall be able to nail that denial, as I shall the statements in this address which are over his own signature, as a wicked fabrication; and prove it by the solemn egislation of this country.

Mr. CHASE. I call the Senator to order.

The PRESIDENT The Senator from Illinois is certainly out of order.

Mr. DOUGLAS. Then I will only say that I shall confine myself to this document, and prove its statements to be false by the legislation of the country. Certainly that is in order.

Mr. CHASE. You cannot do it.

Mr. DOUGLAS. The argument of this manifesto is predicated upon the assumption that the policy of the fathers of the republic was to prohibit slavery in all the territory ceded by the old States to the Union, and made United States territory, for the purpose of being organized into new States. I take issue upon that statement. Such was not the practice in the early history of the government. It is true that in the territory northwest of the Ohio river slavery was prohibited by the ordinance of 1787; but it is also true that in the territory south of the Ohio river, slavery was permitted and protected; and it is also true that in the organization of the territory of Mississippi, in 1798, the provisions of the ordinance of 1787 were applied to it, with the exception of the sixth article, which prohibited slavery. Then, sir, you find upon the statute-books under Washington and the early Presidents, provisions of law showing that in the southwestern territories the right to hold slaves was clearly implied or recognised, while in the northwest territories it was prohibited. The only conclusion that can be fairly and honestly drawn from that legislation is, that it was the policy of the fathers of the republic to prescribe a line of demarkation between free territories and slave-holding territories by a natural or a geographical line, being sure to make that line correspond, as near as might be, to the laws of climate, of production, and all those other causes that would control the institution and make it either desirable or undesirable to the people inhabiting the respective territories.

Sir, I wish you to bear in mind, too, that this geographical line, established by the founders of the republic between free territories and slave territories, extended as far westward as our territory then reached; the object being to avoid all agitation upon the slavery question by settling that question forever, as far as our territory extended, which was then to the Mississippi river.

When, in 1803, we acquired from France the territory known as Louisiana, it became necessary to legislate for the protection of the inhabitants residing therein. It will be seen, by looking into the bill establishing the territorial government in 1805 for the territory of New Orleans, embracing the same country now known as the State of Louisiana, that the ordinance of 1787 was expressly extended to that territory, excepting the sixth section, which prohibited slavery. That act implied that the territory of New Orleans was to be a slaveholding territory by making the exception in the law. But, sir, when they came to form what was then called the territory of Louisiana, subsequently known as the territory of Missouri, north of the thirty-third parallel, they used different language. They did not extend to it any of the provisions of the ordinance of 1787. They first provided that it should be governed by laws made by the governor and the judges, and, when in 1812 Congress gave to that territory, under the name of the territory of Missouri, a territorial government, the people were allowed to do as they pleased upon the subject of slavery, subject only to the limitations of the Constitution of the United States. Now what is the inference from that legislation? That slavery was, by implication, recognised south of the thirty-third parallel; and north of that the people were left to exercise their own judgment and do as they pleased upon the subject, without any implication for or against the existence of the institution.

This continued to be the condition of the country in the Missouri Territory up to 1820, when the celebrated act which is now called the Missouri compromise was passed. Slavery did not existed in, nor was it excluded from the country now known as Nebraska. There was no code of laws upon the subject of slavery either way: First, for the reason that slavery had never been introduced into Louisiana, and established by positive enactment. It had grown up there by a sort of common law, and been supported and protected. When a common law grows up, when an institution becomes established under a usage, it carries it so far as that usage actually goes, and no further. If it had been established by direct enactment, it might have carried it so far as the political jurisdiction extended; but, be that as it may, by the act of 1812, creating the Territory of Missouri, that territory was allowed to legislate upon the subject of slavery as it saw proper, subject only to the limitations which I have stated

and the country not inhabited or thrown open to settlement was set apart as Indian country, and rendered subject to Indian laws. Hence, the local legislation of the State of Missouri did not reach into that Indian country, but was excluded from it by the Indian code and Indian laws. The municipal regulations of Missouri could not go there until the Indian title had been extinguished, and the country thrown open to settlement. Such being the case, the only legislation in existence in Nebraska Territory at the time that the Missouri act passed, namely, the 6th of March, 1820, was a provision, in effect, that the people should be allowed to do as they pleased upon the subject of slavery.

The Territory of Missouri having been left in that legal condition, positive opposition was made to the bill to organize a State government, with a view to its admission into the Union; and a senator from my State, Mr. Jesse B. Thomas, introduced an amendment, known as the eighth section of the bill, in which it was provided that slavery should be prohibited, north of 36° 30′ north latitude, in all that country which we had acquired from France. What was the object of the enactment of that eighth section? Was it not to go back to the original policy of prescribing boundaries to the limitation of free institutions, and of slave institutions, by a geographical line, in order to avoid all controversy in Congress upon the subject? Hence they extended that geographical line through all the territory purchased from France, which was as far as our possessions then reached. It was not simply to settle the question on that piece of country, but it was to carry out a great principle, by extending that dividing line as far west as our territory went, and running it onward on each new acquisition of territory. True, the express enactment of the eighth section of the Missouri act, now called the Missouri compromise, only covered the territory acquired from France; but the principles of the act, the objects of its adoption, the reasons in its support, required that it should be extended indefinitely westward, so far as our territory might go, whenever new purchases should be made.

Thus stood the question up to 1845, when the joint resolution for the annexation of Texas passed. There was inserted in that joint resolution a provision, suggested in the first instance and brought before the House of Representatives by myself, extending the Missouri compromise line indefinitely westward through the territory of Texas. Why did I bring forward that proposition? Why did the Congress of the United States adopt it? Not because it was of the least practical importance, so far as the question of slavery within the limits of Texas was concerned; for no man ever dreamed that it had any practical effect there. Then why was it brought forward? It was for the purpose of preserving the principle, in order that it might be extended still further westward, even to the Pacific ocean, whenever we should acquire the country that far. I will here read that clause. It is the third article, second section, and is in these words:

"New States, of convenient size, not exceeding four in number, in addition to said State of Texas, having sufficient population, may hereafter, by the consent of said State, be formed out of the territory thereof, which shall be entitled to admission under the provisions of the federal Constitution. And such States as may be formed out of that portion of said territory lying south of 36 degrees 30 minutes north latitude, commonly known as the Missouri compromise line, shall be admitted into the Union, with or without slavery, as the people of each State asking admission may desire. And, in such State or States as shall be formed out of said territory north of said Missouri compromise line, slavery or involuntary servitude (except for crime) shall be prohibited."

It will be seen that it contains a very remarkable provision, which is, that when States lying north of 36° 30′ apply for admission, slavery shall be prohibited in their constitutions. I presume no one pretends that Congress could have power thus to fetter a State applying for admission into this Union; but it was necessary to preserve the principle of the Missouri compromise line, in order that it might afterwards be extended, and it was supposed that while Congress had no power to impose any such limitation, yet, as that was a compact with the State of Texas, that State could consent for herself that, when any portion of her own territory, subject to her own jurisdiction and control, applied for admission, her constitution should be in a particular form; but that provision would not be binding on the new State one day after it was admitted into the Union. The other provision was that such States as should lie south of 36° 30′ should come into the Union with or without slavery as each should decide in its constitution. Then, by that act, the Missouri compromise was extended indefinitely westward, so far as the State of Texas went, that is, to the Rio del Norte; for our Government at the time recognised the Rio del Norte as its boundary. We recognised, in many ways, and among them by even paying Texas for it ten millions of dollars, in order that it might be included in and form a portion of the Territory of New Mexico.

Then, sir, in 1848, we acquired from Mexico the country between the Rio Del Norte and the Pacific ocean. Immediately after that acquisition, the Se[illegible] on my own motion, voted into a bill a provis[illegible] extend the Missouri compromise indefinitely westward to the Pacific ocean, in the

same sense and with the same understanding with which it was originally adopted. That provision passed this body by a decided majority, I think by ten at least, and went to the House of Representatives, and was defeated there by northern votes.

Now, sir, let us pause and consider for a moment. The first time that the principles of the Missouri compromise were ever abandoned, the first time they were ever rejected by Congress, was by the defeat of that provision in the House of Representatives in 1848. By whom was that defeat effected? By northern votes with freesoil proclivities. It was the defeat of that Missouri compromise that reopened the slavery agitation with all its fury. It was the defeat of that Missouri compromise that created the tremendous struggle of 1850. It was the defeat of that Missouri compromise that created the necessity for making a new compromise in 1850. Had we been faithful to the principles of the Missouri compromise in 1848, this question would not have arisen. Who was it that was faithless? I undertake to say it was the very men who now insist that the Missouri compromise was a solemn compact and should never be violated or departed from. Every man who is now assailing the principle of the bill under consideration, so far as I am advised, was opposed to the Missouri compromise in 1848. The very men who now arraign me for a departure from the Missouri compromise are the men who successfully violated it, repudiated it, and caused it to be superseded by the compromise measures of 1850. Sir, it is with rather bad grace that the men who proved faithless themselves should charge upon me and others, who were ever faithful, the responsibilities and consequences of their own treachery.

Then, sir, as I before remarked, the defeat of the Missouri compromise in 1848 having created the necessity for the establishment of a new one in 1850, let us see what that compromise was.

The leading feature of the compromise of 1850 was congressional non-intervention as to slavery in the Territories; that the people of the Territories, and of all the States, were to be allowed to do as they pleased upon the subject of slavery, subject only to the provisions of the Constitution of the United States.

That, sir, was the leading feature of the compromise measures of 1850. Those measures, therefore, abandoned the idea of a geographical line as the boundary between free States and slave States; abandoned it because compelled to do it from an inability to maintain it; and in lieu of that, substituted a great principle of self-government, which would allow the people to do as they thought proper. Now the question is, when that new compromise, resting upon that great fundamental principle of freedom, was established, was it not an abandonment of the old one—the geographical line? Was it not a supersedure of the old one within the very language of the substitute for the bill which is now under consideration? I say it did supersede it, because it applied its provisions as well to the north as to the south of 36° 30'. It established a principle which was equally applicable to the country north as well as south of the parallel of 36° 30'—a principle of universal application. The authors of this abolition manifesto attempted to refute this presumption, and maintain that the compromise of 1850 did not supersede that of 1820, by quoting the proviso to the first section of the act to establish the Texan boundary, and create the Territory of New Mexico. That proviso was added, by way of amendment, on motion of Mr. Mason, of Virginia.

I repeat, that in order to rebut the presumption, as I before stated, that the Missouri compromise was abandoned and superseded by the principles of the compromise of 1850, these confederates cite the following amendment, offered to the bill to establish the boundary of Texas and create the Territory of New Mexico in 1850.

"*Provided*, That nothing herein contained shall be construed to impair or qualify anything contained in the third article of the second section of the joint resolution for annexing Texas to the United States, approved March 1, 1845, either as regards the number of States that may hereafter be formed out of the States of Texas or otherwise."

After quoting this proviso, they make the following statement, and attempt to gain credit for its truth by suppressing material facts which appear upon the face of the same statute, and which, if produced, would conclusively dispose of the argument:

"It is solemnly declared in the very compromise act, that *nothing herein contained shall be construed to impair or qualify* the prohibition of slavery north of thirty-six degrees thirty minutes;' and yet, in the face of this declaration, that sacred prohibition is said to be overthrown. Can presumption further go?"

I will now proceed to show that presumption could not go further than is exhibited in this declaration.

They suppress the following material facts, which, if produced, would have disproved their statement. They first suppress the fact that the same section of the act cuts off from Texas and cedes to the United States, all that part of Texas which lies north of 36° 30'. They then suppress the further fact that the same section of the law cuts off from Texas a large tract of country on the west, more than three degrees of longitude, and adds it to the territory of the United States. They then suppress the further fact that this territory thus cut off from Texas, and to which the Missou-

compromise line applied, was incorporated into the territory of New Mexico. And then what was done? It was incorporated into that territory with this clause:

"That, when admitted as a State, the said territory, or any portion of the same, shall be received into the Union with or without slavery, as their constitution may prescribe at the time of its adoption."

Yes, sir, the very bill and section from which they quote, cuts off all that part of Texas which was to be free by the Missouri compromise, together with some on the south side of the line; incorporates it into the territory of New Mexico; and then says that the territory, and every portion of the same, shall come into the Union with or without slavery, as it sees proper.

What else does it do? The sixth section of the same act provides that the legislative power and authority of this said Territory of New Mexico shall extend to all rightful subjects of legislation consistent with the Constitution of the United States and the provisions of the act, not excepting slavery. Thus the New Mexican bill, from which they make that quotation, contains the provision that New Mexico, including that part of Texas which was cut off, should come into the Union with or without slavery, as it saw proper; and in the mean time that the territorial legislature should have all the authority over the subject of slavery that they had over any other subject, restricted only by the limitation of the Constitution of the United States and the provisions of the act. Now, I ask those Senators, do not those provisions repeal the Missouri compromise, so far as it applied to the country cut off from Texas? Do they not annul it? Do they not supersede it? If they do, then the address which has been put forth to the world by these confederates is an atrocious falsehood. If they do not, then what do they mean when they charge me with having, in the substitute first reported from the committee, repealed it, with having annulled it, with having violated it, when I only copied those precise words? I copied the precise words into my bill, as reported from the committee, which were contained in the New Mexico bill. They say my bill annuls the Missouri compromise. If it does, it had already been done before by the act of 1850; for these words were copied from the act of 1850.

Mr. WADE. Why did you do it over again?

Mr. DOUGLAS. I will come to that point presently. I am now dealing with the truth and veracity of a combination of men who have assembled in secret caucus upon the Sabbath day to arraign my conduct and belie my motives. I say, therefore, that their manifesto is a slander either way; for it says that the Missouri compromise was not superseded by the measures of 1850, and then it says that the same words in my bill do repeal and annul it. They must be adjudged guilty of one falsehood in order to sustain the other assertion.

Now, sir, I propose to go a little further, and show what was the real meaning of the amendment of the senator from Virginia, out of which these gentlemen have manufactured so much capital in the newspaper press, and have succeeded by that misrepresentation in procuring an expression of opinion from the State of Rhode of Island in opposition to this bill. I will state what its meaning is.

Did it mean that the States north of 36° 30′ should have a clause in their constitutions prohibiting slavery? I have shown that it did not mean that, because the same act says that they might come in with slavery, if they saw proper. I say it could not mean that for another reason: The same section containing that proviso cut off all that part of Texas north of 36° 30′, and hence there was nothing for it to operate upon. It did not, therefore, relate to the country cut off. What did it relate to? Why, it meant simply this: By the joint resolution of 1845, Texas was annexed, with the right to form four additional States out of her territory; and such States as were south of 36° 30′ were to come in with or without slavery, as they saw proper; and in such State or States as were north of that line slavery should be prohibited. When we had cut off all north of 36° 30′, and thus circumscribed the boundary and diminished the territory of Texas, the question arose, how many States will Texas be entitled to under this circumscribed boundary. Certainly not four, it will be argued. Why? Because the original resolution of annexation provided that one of the States, if not more, should be north of 36° 30′. It would leave it, then, doubtful whether Texas was entitled to two or three additional States under the circumscribed boundary.

In order to put that matter to rest, in order to make a final settlement, in order to have it explicitly understood what was the meaning of Congress, the senator from Virginia offered the amendment that nothing therein contained should impair that provision, either as to the number of States or otherwise, that is, that Texas should be entitled to the same number of States with her reduced boundaries as she would have been entitled to under her larger boundaries; and those States shall come in with or without slavery, as they might prefer, being all south of 36° 30′, and nothing to impair that right shall be inferred from the passage of the act. Such, sir, was the meaning of that proposition. Any other construction of it would stultify the very character and purpose of its mover, the senator from Virginia. Such, then, was not only the intent of the mover, but such is the

legal effect of the law; and I say that no man, after reading the other sections of the bill, those to which I have referred, can doubt that such was both the intent and the legal effect of that law.

Then I submit to the Senate if I have not convicted this manifesto, issued by the abolition confederates, of being a gross falsification of the laws of the land, and by that falsification that an erroneous and injurious impression has been created upon the public mind. I am sorry to be compelled to indulge in language of severity; but there is no other language that is adequate to express the indignation with which I see this attempt, not only to mislead the public, but to malign my character by deliberate falsification of the public statutes and the public records.

In order to give greater plausibility to the falsification of the terms of the compromise measures of 1850, the confedrates also declare in their manifesto that they (the territorial bills for the organization of Utah and New Mexico) "applied to the territory acquired from Mexico, and to that only. They were intended as a settlement of the controversy growing out of that acquisition, and of that controversy only. They must stand or fall by their own merits."

I submit to the Senate if there is an intelligent man in America who does not know that that declaration is falsified by the statute from which they quoted. They say that the provisions of that bill was confined to the territory acquired from Mexico, when the very section of the law from which they quoted that proviso did purchase a part of that very territory from the State of Texas. And the next section of the law included that territory in the new Territory of Mexico. It took a small portion also of the old Louisiana purchase, and added that to the Territory of New Mexico, and made up the rest out of the Mexican acquisitions. Then, sir, your statutes show, when applied to the map of the country, that the Territory of New Mexico was composed of country acquired from Mexico, and also of territory acquired from Texas, and of territory acquired from France; and yet in defiance of that statute, and in falsification of its terms, we are told, in order to deceive the people, that the bills were confined to the purchase made from Mexico alone; and in order to give it greater solemnity, they repeat it twice, fearing that it would not be believed the first time. What is more, the Territory of Utah was not confined to the country acquired from Mexico. That territory, as is well known to every man who understands the geography of the country, includes a large tract of rich and fertile country, acquired from France in 1803, and to which the eighth section of the Missouri act applied in 1820. If these confederates do not know to what country I allude, I only reply that they should have known before they uttered the falsehood, and imputed a crime to me.

But I will tell you to what country I allude. By the treaty of 1819, by which we acquired Florida and fixed a boundary between the United States and Spain, the boundary was made of the Arkansas river to its source, and then the line ran due north of the source of the Arkansas to the 42d parallel, then along on the 42d parallel to the Pacific ocean. That line, due north from the head of the Arkansas, leaves the whole middle part, described in such glowing terms by Colonel Freemont, to the east of the line, and hence a part of the Louisiana purchase. Yet, inasmuch as that middle part is drained by the waters flowing into the Colorado, when we formed the territorial limits of Utah, instead of running that air-line, we ran along the ridge of the mountains, and cut off that part from Nebraska, or from the Louisiana purchase, and included it within the limits of the territory of Utah.

Why did we do it? Because we sought for a natural and convenient boundary, and it was deemed better to take the mountains as a boundary, than by an air line to cut the valleys on one side of the mountains, and annex them to the country on the other side. And why did we take these natural boundaries, setting at defiance the old boundaries? The simple reason was that so long as we acted upon the principle of settling the slave question by a geographical line, so long we observed those boundaries strictly and rigidly; but when that was abandoned, in consequence of the action of free-soilers and abolitionists—when it was superseded by the compromise measures of 1850, which rested upon a great universal principle—there was no necessity for keeping in view the old and unnatural boundary. For that reason, in making the new territories, we formed natural boundaries, irrespective of the source whence our title was derived. In writing these bills I paid no attention to the fact whether the title was acquired from Louisiana, from France, or from Mexico; for what difference did it make? The principle which we had established in the bill would apply equally well to either.

In fixing those boundaries, I paid no attention to the fact whether they included old territory or new territory—whether the country was covered by the Missouri compromise or not. Why? Because the principles established in the bills superseded the Missouri compromise. For that reason we disregarded the old boundaries; disregarded the territory to which it applied, and disregarded the source from whence the title was derived. I say,

therefore, that a close examination of those acts clearly establishes the fact that it was the intent, as well as the legal effect of the compromise measures of 1850, to supersede the Missouri compromise, and all geographical and territorial lines.

Sir, in order to avoid any misconstruction, I will state more distinctly what my precise idea is upon upon this point. So far as the Utah and New Mexico bills included the territory which had been subject to the Missouri compromise provision, to that extent they absolutely annulled the Missouri compromise. As to the unorganized territory not covered by those bills, it was superseded by the principles of the compromise of 1850. We all know that the object of the compromise measures of 1850 was to establish certain great principles which would avoid the slavery agitation in all time to come. Was it our object simply to provide for a temporary evil? Was it our object to heal over an old sore, and leave it to break out again? Was it our object to adopt a mere miserable expedient to apply to that territory, and to that alone, and leave ourselves entirely at sea, without compass when new territory was acquired or new territorial organizations were to be made?

Was that the object for which the eminent and venerable senator from Kentucky [Mr. Clay] came here and sacrificed even his last energies upon the altar of his country? Was that the object for which Webster, Clay, Cass, and all the patriots of that day, struggled so long and so strenuously? Was it merely the application of a temporary expedient, in agreeing to stand by past and dead legislation, that the Baltimore platform pledged us to sustain the compromise of 1850? Was it the understanding of the whig party, when they adopted the compromise measures of 1850 as an article of political faith, that they were only agreeing to that which was past, and had no reference to the future? If that was their meaning; if that was their object, they palmed off an atrocious fraud upon the American people. Was it the meaning of the democratic party, when we pledged ourselves to stand by the compromise of 1850, that we spoke only of the past, and had no reference to the future? If so, it was a gross deception. When we pledged our President to stand by the compromise measures, did we not understand that we pledged him as to his future action? Was it as to his past conduct? If it had been in relation to past conduct only, the pledge would have been untrue as to a very large portion of the democratic party. Men went into that convention who had been opposed to the compromise measures—men who abhorred those measures when they were pending—men who never would have voted affirmatively on them. But, inasmuch as those measures had been passed and the country had acquiesced in them, and it was important to preserve the principle in order to avoid agitation in the future, these men said, we waive our past objections, and we will stand by you and with you in carrying out these principles in the future.

Such I understand to be the meaning of the two great parties at Baltimore. Such I understand to have been the effect of their pledges. If they did not mean this, they meant merely to adopt resolutions which were never to be carried out, and which were designed to mislead and deceive the people for the mere purpose of carrying an election.

I hold, then, that, as to the territory covered by the Utah and New Mexico bills, there was an express annulment of the Missouri compromise; and as to all the other unorganized territories, it was superseded by the principles of that legislation, and we are bound to apply those principles to the organization of all new territories, to all which we now own, or which we may hereafter acquire. If this construction be given, it makes that compromise a final adjustment. No other construction can possibly impart finality to it. By any other construction, the question is to be reopened the moment you ratify a new treaty acquiring an inch of country from Mexico. By any other construction, you reopen the issue every time you make a new territorial government. But, sir, if you treat the compromise measures of 1850 in the light of great principles, sufficient to remedy temporary evils, at the same time that they prescribe rules of action applicable everywhere in all time to come, then you avoid the agitation for ever, if you observe good faith to the provisions of these enactments, and the principles established by them.

Mr. President, I repeat that, so far as the question of slavery is concerned, there is nothing in the bill under consideration which does not carry out the principle of the compromise measures of 1850, by leaving the people to do as they please, subject only to the provisions of the Constitution of the United States. If that principle is wrong, the bill is wrong. If that principle is right, the bill is right. It is unnecessary to quibble about phraseology or words; it is not the mere words, the mere phraseology, that our constituents wish to judge by. They wish to know the legal effect of our legislation.

The legal effect of this bill, if it be passed as reported by the Committee on Territories, is neither to legislate slavery into these territories nor out of them, but to leave the people to do as they

please, under the provisions and subject to the limitations of the Constitution of the United States. Why should not this principle prevail? Why should any man, north or south, object to it? I will especially address the argument to my own section of country, and ask why should any northern man object to this principle? If you will review the history of the slavery question in the United States, you will see that all the great results in behalf of free institutions which have been worked out, have been accomplished by the operation of this principle, and by it alone.

When these States were colonies of Great Britain, every one of them was a slaveholding province. When the Constitution of the United States was formed, twelve out of the thirteen were slave-holding States. Since that time six of those States have become free. How has this been effected? Was it by virtue of abolition agitation in Congress? Was it in obedience to the dictates of the federal government? Not at all; but they have become free States under the silent but sure and irresistible working of that great principle of self-government which teaches every people to do that which the interests of themselves and their posterity morally and pecuniarily may require.

Under the operation of this principle, New Hampshire became free, while South Carolina continued to hold slaves; Connecticut abolished slavery, while Georgia held on to it; Rhode Island abandoned the institution, while Maryland preserved it; New York, New Jersey, and Pennsylvania abolished slavery, while Virginia, North Carolina, and Kentucky retained it. Did they do it at your bidding? Did they do it at the dictation of the federal government? Did they do it in obedience to any of your Wilmot provisos or ordinances of '87? Not at all; they did it by virtue of their rights as freemen under the Constitution of the United States, to establish and abolish such institutions as they thought their own good required.

Let me ask you, where have you succeeded in excluding slavery by an act of Congress from one inch of the American soil? You may tell me that you did it in the Northwest Territory by the ordinance of 1787. I will show you by the history of the country that you did not accomplish any such thing. You prohibited slavery there by law, but you did not exclude it in fact. Illinois was a part of the northwest territory. With the exception of a few French and white settlements, it was a vast wilderness, filled with hostile savages, when the ordinance of 1787 was adopted. Yet, sir, when Illinois was organized into a territorial government, it established and protected slavery, and maintained it in spite of your ordinance and in defiance of its express prohibition. It is a curious fact, that, so long as Congress said the territory of Illinois should not have slavery, she actually had it; and on the very day when you withdrew your Congressional prohibition the people of Illinois, of their own free will and accord, provided for a system of emancipation.

Thus you did not succeed in Illinois Territory with your ordinance or your Wilmot Proviso, because the people there regarded it as an invasion of their rights; they regarded it as an usurpation on the part of the federal government. They regarded it as violative of the great principles of self-government, and they determined that they would never submit even to have freedom so long as you forced it upon them.

Nor must it be said that slavery was abolished in the constitution of Illinois in order to be admitted into the Union as a State, in compliance with the ordinance of 1787; for they did no such thing. In the constitution with which the people of Illinois were admitted into the Union, they absolutely violated, disregarded, and repudiated your ordinance. The ordinance said that slavery should be forever prohibited in that country. The constitution with which you received them into the Union as a State provided that all slaves then in the State should remain slaves for life, and that all persons born of slave parents after a certain day should be free at a certain age, and that all persons born in the State after a certain other day, should be free from the time of their birth. Thus their State constitution, as well as their territorial legislation, repudiated your ordinance. Illinois, therefore, is a case in point to prove that whenever you have attempted to dictate institutions to any part of the United States, you have failed The same is true, though not to the same extent, with reference to the Territory of Indiana, where there were many slaves during the time of its territorial existence, and I believe also there were a few in the Territory of Ohio.

But, sir, these abolition confederates, in their manifesto, have also referred to the wonderful results of their policy in the State of Iowa and the Territory of Minnesota. Here, again, they happen to be in fault as to the laws of the land. The act to organize the Territory of Iowa did not prohibit slavery, but the people of Iowa were allowed to do as they pleased under the territorial government; for the sixth section of that act provided that the legislative authority should extend to all rightful subjects of legislation except as to the disposition of the public lands, and taxes in certain

cases, but not excepting slavery. It may, however, be said by some that slavery was prohibited in Iowa by virtue of that clause in the Iowa act which declared the laws of Wisconsin to be in force therein, inasmuch as the ordinance of 1787 was one of the laws of Wisconsin. If, however, they say this, they defeat their object, because the very clause which transfers the laws of Wisconsin to Iowa, and makes them of force therein, also provides that those laws are subject to be altered, modified, or repealed by the territorial legislature of Iowa. Iowa, therefore, was left to do as she pleased. Iowa, when she came to form a constitution and State government, preparatory to admission into the Union, considered the subject of free and slave institutions calmly, dispassionately, without any restraint or dictation, and determined that it would be to the interest of her people in their climate, and with their productions, to prohibit slavery; and hence Iowa became a free State by virtue of this great principle of allowing the people to do as they please, and not in obedience to any federal command.

The abolitionists are also in the habit of referring to Oregon as another instance of the triumph of their abolition policy. There again they have overlooked or misrepresented the history of the country. Sir, it is well known, or if it is not, it ought to be, that for about twelve years you f to give Oregon any government or any protection; and during that period the inhabitants of that country established a government of their own, and, by virtue of their own laws, passed by their own representatives before you extended your jurisdiction over them, prohibited slavery by a unanimous vote. Slavery was prohibited there by the action of the people themselves, and not by virtue of any legislation of Congress.

It is true that, in the midst of the tornado which swept over the country in 1848, 1849, and 1850, a provision was forced into the Oregon bill prohibiting slavery in that territory; but that only goes to show that the object of those who pressed it was not so much to establish free institutions as to gain a political advantage by giving an ascendancy to their peculiar doctrines in the laws of the land; for slavery having been already prohibited there, and no man proposing to establish it, what was the necessity for insulting the people of Oregon by saying in your law that they should not do that which they had unanimously said they did not wish to do? That was the only effect of your legislation so far as the Territory of Oregon was concerned.

How was it in regard to California? Every one of these abolition confederates, who have thus arraigned me and the Committee on Territories before the country, and have misrepresented our position, predicted that unless Congress interposed by law, and prohibited slavery in California, it would inevitably become a slaveholding State. Congress did not interfere; Congress did not prohibit slavery. There was no enactment upon the subject; but the people formed a State constitution, and therein prohibited slavery.

Mr. WELLER. The vote was unanimous in the convention of California for prohibition.

Mr DOUGLAS. So it was in regard to Utah and New Mexico. In 1850, we who resisted any attempt to force institutions upon the people of those territories inconsistent with their wishes and their right to decide for themselves, were denounced as slavery propagandists. Every one of us who was in favor of the compromise measures of 1850 was arraigned for having advocated a principle proposing to introduce slavery into those territories, and the people were told, and made to believe, that, unless we prohibited it by act of Congress, slavery would necessarily and inevitably be introduced into these territories.

Well, sir, we did establish the territorial governments of Utah and New Mexico without any prohibition. We gave to these abolitionists a full opportunity of proving whether their predictions would prove true or false. Years have rolled round, and the result is before us. The people there have not passed any law recognising, or establishing, or introducing, or protecting slavery in the territories.

I know of but one territory of the United States where slavery does exist, and that one is where you have prohibited it by law; and it is this very Nebraska country. In defiance of the eighth section of the act of 1820, in defiance of congressional dictation, there have been, not many, but a few slaves introduced. I heard a minister of the Gospel the other day conversing with a member of the Committee on Territories upon this subject. This preacher was from that country, and a member put this question to him: "Have you any negroes out there?" He said there were a few held by the Indians. I asked him if there were not some held by white men? He said there were a few under *peculiar circumstances*, and he gave an instance. An abolition missionary, a very good man, had gone there from Boston, and he took his wife with him. He got out into the country but could not get any help; hence he, being a kind-hearted man, went down to Missouri and gave $1,000 for a negro, and took him up there as "help." [Laughter.] So, under peculiar circumstances, when these

freesoil and abolition preachers and missionaries go into the country, they can buy a negro for their own use, but they do not like to allow any one else to do the same thing. [Renewed laughter.] I suppose the fact of the matter is simply this: there the people can get no servants—no "help," as they are called in the section of country where I was born—and from the necessity of the case, they must do the best they can and for this reason a few slaves have been taken there. I have no doubt that whether you organize the territory of Nebraska or not, this will continue for some little time to come. It certainly does exist, and it will increase as long as the Missouri compromise applies to the territory; and I suppose it will continue for a little while during their territorial condition, whether a prohibition is imposed or not. But when settlers rush in—when labor becomes plenty, and therefore cheap, in that climate, with its productions—it is worse than folly to think of its being a slaveholding country. I do not believe there is a man in Congress who thinks it could be permanently a slaveholding country. I have no idea that it could. All I have to say on that subject is, that, when you create them into a territory, you thereby acknowledge that they ought to be considered a distinct political organization. And when you give them in addition a legislature, you thereby confess that they are competent to exercise the powers of legislation. If they wish slavery, they have a right to it. If they do not want it, they will not have it, and you should not attempt to force it upon them.

I do not like, I never did like, the system of legislation on our part, by which a geographical line, in violation of the laws of nature, and climate, and soil, and of the laws of God, should be run to establish institutions for a people contrary to their wishes; yet, out of a regard for the peace and quiet of the country, out of respect for past pledges, and out of a desire to adhere faithfully to all compromises, I sustained the Missouri compromise so long as it was in force, and advocated its extension to the Pacific ocean. Now, when that has been abandoned, when it has been superseded, when a great principle of self-government has been substituted for it, I choose to cling to that principle, and abide in good faith, not only by the letter, but by the spirit of the last compromise.

Sir, I do not recognise the right of the abolitionists of this country to arraign me for being false to sacred pledges, as they have done in their proclamations. Let them show when and where I have ever proposed to violate a compact. I have proved that I stood by the compact of 1820 and 1845, and proposed its continuance and observance in 1848. I have proved that the freesoilers and abolitionists were the guilty parties who violated that compromise then. I should like to compare notes with these abolition confederates about adherence to compromises. When did they stand by or approve of any one that was ever made?

Did not every abolitionist and freesoiler in America denounce the Missouri compromise in 1820? Did they not for years hunt down ravenously, for his blood, every man who assisted in making that compromise? Did they not in 1845, when Texas was annexed, denounce all of us who went for the annexation of Texas, and for the continuation of the Missouri compromise line through it? Did they not, in 1848, denounce me as a slavery propagandist for standing by the principles of the Missouri compromise, and proposing to continue it to the Pacific ocean? Did they not themselves violate and repudiate it then? Is not the charge of bad faith true as to every abolitionist in America, instead of being true as to me and the committee, and those who advocate this bill?

They talk about the bill being a violation of the compromise measures of 1850. Who can show me a man in either house of Congress who was in favor of those compromise measures in 1850, and who is not now in favor of leaving the people of Nebraska and Kansas to do as they please upon the subject of slavery, according to the principle of my bill? Is there one? If so, I have not heard of him. This tornado has been raised by abolitionists, and abolitionists alone. They have made an impression upon the public mind, in the way in which I have mentioned, by a falsification of the law and the facts; and this whole organization against the compromise measures of 1850 is an abolition movement. I presume they had some hope of getting a few tender-footed democrats into their plot; and, acting on what they supposed they might do, they sent forth publicly to the world the falsehood that their address was signed by the senators and a majority of the representatives from the State of Ohio; but when we come to examine signatures, we find no one whig there, no one democrat there; none but pure, unmitigated, unadulterated abolitionists.

Much effect, I know, has been produced by this circular, coming as it does with the imposing title of a representation of a majority of the Ohio delegation. What was the reason or its effect? Because the manner in which it was sent forth implied that all the whig members from that State had joined in it; that part of the democrats had signed it; and then that the two abolitionists ha

signed it, and that made a majority of the delegation. By this means it frightened the whig party and the democracy in the State of Ohio, because they supposed their own representatives and friends had gone into this negro movement, when the fact turns out to be that it was not signed by a single whig or democratic member from Ohio.

Now, I ask the friends and the opponents of this measure to look at it as it is. Is not the question involved the simple one, whether the people of the Territories shall be allowed to do as they please upon the question of slavery, subject only to the limitations of the Constitution? That is all the bill provides; and it does so in clear, explicit, and unequivocal terms. I know there are some men, whigs and democrats, who, not willing to repudiate the Baltimore platform of their own party, would be willing to vote for this principle, provided they could do so in such equivocal terms that they could deny that it means what it was intended to mean in certain localities. I do not wish to deal in any equivocal language. If the principle is right, let it be avowed and maintained. If it is wrong, let it be repudiated. Let all this quibbling about the Missouri compromise, about the territory acquired from France, about the act of 1820, be cast behind you; for the simple question is, will you allow the people to legislate for themselves upon the subject of slavery? Why should you not?

When you propose to give them a Territorial Government, do you not acknowledge that they ought to be erected into a political organization; and when you give them a legislature, do you not acknowledge that they are capable of self-government? Having made that acknowledgment, why should you not allow them to exercise the rights of legislation? Oh, these abolitionists say they are entirely willing to concede all this, with one exception. They say they are willing to trust the Territorial legislature, under the limitations of the Constitution, to legislate upon the rights of inheritance, to legislate in regard to religion, education, and morals, to legislate in regard to the relations of husband and wife, of parent and child, of guardian and ward, upon everything pertaining to the dearest rights and interests of white men, but they are not willing to trust them to legislate in regard to a few miserable negroes. That is their single exception. They acknowledge that the people of the territories are capable of deciding for themselves concerning white men, but not in relation to negroes. The real gist of the matter is this: Does it require any higher degree of civilization, and intelligence, and learning, and sagacity, to legislate for negroes than for white men? If it does, we ought to adopt the abolition doctrine, and go with them against this bill. If it does not—if we are willing to trust the people with the great, sacred, fundamental right of prescribing their own institutions, consistent with the Constitution of the country—we must vote for this bill. That is the only question involved in the bill. I hope I have been able to strip it of all the misrepresentation, to wipe away all of that mist and obscurity with which it has been surrounded by this abolition address.

I have now said all I have to say upon the present occasion. For all, except the first ten minutes of these remarks, the abolition confederates are responsible. My object, in the first place, was only to explain the provisions of the bill, so that they might be distinctly understood. I was willing to allow its assailants to attack it as much as they pleased, reserving to myself the right, when the time should approach for taking the vote, to answer in a concluding speech all the arguments which might be used against it. I still reserve—what I believe common courtesy and parliamentary usage awards to the chairman of a committee and the author of a bill—the right of summing up after all shall have been said which has to be said against this measure.

I hope the compact which was made on last Tuesday, at the suggestion of these abolitionists, when the bill was proposed to be taken up, will be observed. It was that the bill, when taken up to-day, should continue to be considered from day to day until finally disposed of. I hope they will not repudiate and violate that compact, as they have the Missouri compromise and all others which have been entered into. I hope, therefore, that we may press the bill to a vote; but not by depriving persons of an opportunity of speaking.

I am in favor of giving every enemy of the bill the most ample time. Let us hear them all patiently, and then take the vote and pass the bill. We who are in favor of it know that the principle on which it is based is right. Why, then, should we gratify the abolition party in their effort to get up another political tornado of fanaticism, and put the country again in peril, merely for the purpose of electing a few agitators to the Congress of the United States?